
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

AMERICAN SILVER LLC, et al.,

Plaintiff,

v.

**EMANUEL COVENANT
COMMUNITIES, et al.,**

Defendants.

**ORDER AFFIRMING
REPORT & RECOMMENDATION**

Case No. 2:06CV843DAK

This case was assigned to United States District Court Judge Dale A. Kimball, who then referred it to United States Magistrate Judge Brooke C. Wells under 28 U.S.C. § 636(b)(1)(B). Plaintiffs filed a Motion for Entry of Default Judgment on April 12, 2007, based on Defendants' failure to respond to this court's Order to Show Cause. On May 1, 2007, Magistrate Judge Wells issued a Report and Recommendation recommending that Plaintiffs' motion for entry of default judgment be granted and default be entered against Defendants.

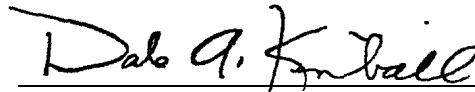
The Report and Recommendation notified Plaintiff that any objection to the Report and Recommendation was required to be filed within ten days of receiving it. On May 15, 2007, Defendants filed a document which this court construes as an objection to the Report and Recommendation even though it is entitled "Mandatory Judicial Notice." Defendants document again assert that this court does not has jurisdiction over the matter. The court clearly has jurisdiction over this case. The court and the Magistrate Judge have made repeated rulings

stating that jurisdiction is proper. Defendants' repeated assertions that the court has no jurisdiction in this matter are baseless and frivolous. Defendants have failed to comply with any of the court's orders and have failed to file an Answer to Plaintiffs' Complaint. The court finds that it would be inappropriate to allow Defendants to continue to obstruct and delay the litigation of this case with meritless assertions.

The court has reviewed the file *de novo*. The court approves and adopts the Magistrate Judge's Report and Recommendation in its entirety. Accordingly, Plaintiff's Motion for Entry of Default Judgment is GRANTED and default judgment is entered against all Defendants.

DATED this 16th day of May, 2007.

BY THE COURT:

A handwritten signature in black ink, reading "Dale A. Kimball", written over a horizontal line.

DALE A. KIMBALL
United States District Judge